

III.A.1

MEMO TO: City Council

FROM: Rosemarie Ives, Mayor

DATE: January 4, 2005

SUBJECT: **PUBLIC HEARING AND ORDINANCE FOR NE 91st STREET RIGHT-OF-WAY VACATION, L040099**

I. **RECOMMENDED ACTION**

- A. Conduct a Public Hearing as set forth in Resolution 1197.
- B. Approve the ordinance, (Attachment B) as requested by RBC Treemont North, LLC, to vacate a portion of NE 91st Street right-of-way which is located west of 166th Avenue NE at the end of the NE 91st Street corridor.

II. **DEPARTMENT CONTACT PERSONS**

David Rhodes, Director of Public Works	556-2705
Bill Campbell, City Engineer	556-2733
Dave Almond, Project Manager	556-2861

III. **DESCRIPTION**

On December 7, 2004, Council passed Resolution 1197 setting January 4, 2005 as the public hearing date for a petition to vacate a portion of NE 91st Street right-of-way located west of 166th Avenue NE at the end of the NE 91st Street corridor. Notice of the public hearing was published in the newspaper, posted and mailed to adjacent property owners in accordance with the City's Community Development Guide.

The proposed NE 91st Street right-of-way vacation, shown in Attachment C, involves an area of approximately 1,360 square feet. Once vacated, title of the property shall belong to the property owner abutting the north side of the right-of-

way. As compensation for the vacation, the City is entitled to the full appraised value of the area vacated. An appraisal, completed on August 24, 2004, values the property at \$15,000. A copy of the appraisal is on file with the City Engineer and available for review.

IV. IMPACT

- A. Service Delivery: The City will retain a sidewalk easement as part of the vacation. The vacation of the right-of-way will not adversely affect street patterns nor circulation in the immediate vicinity or the community as a whole.
- B. Fiscal: Per RCW 35.79, one-half of the revenue received by the City as compensation for the area vacated must be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the City. It is recommended that the compensation of \$15,000, be placed in the City's Transportation CIP.

V. LIST OF ATTACHMENTS

- A. Vicinity Map
- B. Ordinance
- C. Detail of Proposed Right-of-Way Vacation Area

s/s

David Rhodes, Director of Public Works

12/17/04

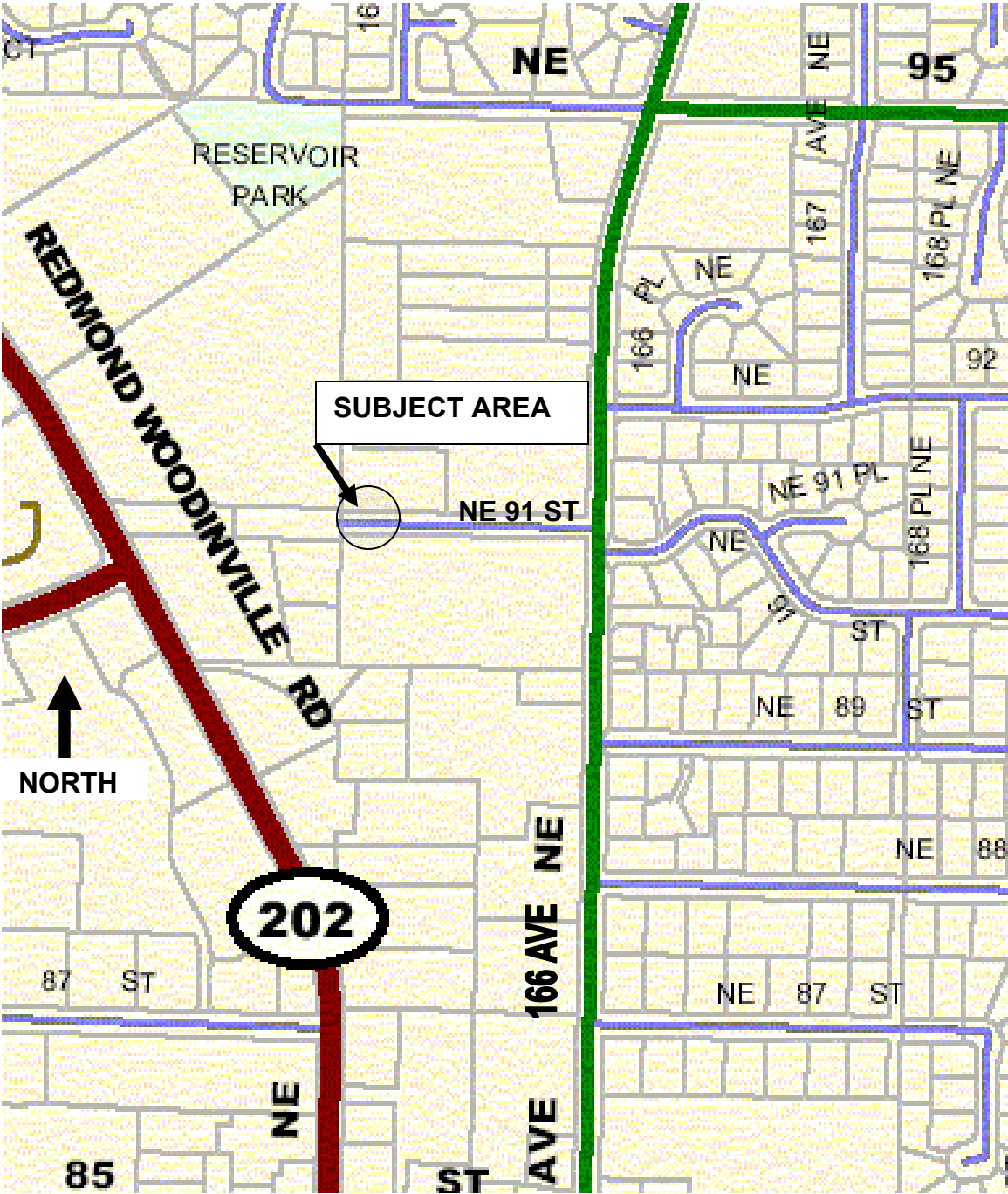
Date

Approved for Council Agenda **s/s**

Rosemarie Ives, Mayor

12/17/04

Date



VICINITY MAP

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, VACATING A PORTION OF NE 91ST STREET RIGHT-OF-WAY LOCATED WEST OF 166TH AVENUE NE AT THE END OF THE NE 91ST STREET CORRIDOR PURSUANT TO RCW 35.79 AND REDMOND COMMUNITY DEVELOPMENT GUIDE 20F.40.110, SUBJECT TO COMPENSATION AND THE RESERVATION OF CERTAIN EASEMENTS, CITY FILE NO. L040099.

WHEREAS, the City Council has received a petition requesting that a portion of NE 91st Street right-of-way, located west of 166th Avenue NE at the end of the NE 91st Street corridor, be vacated; and

WHEREAS, the petition contains the signatures of the owners of more than two-thirds of the abutting property; and

WHEREAS, the action of vacating a street or roadway is categorically exempt from environmental review per Washington Administrative Code 197-11-800(2)(h) and is therefore not subject to Standard Environmental Protection Agency rules and determinations; and

WHEREAS, the City Council, by passage of Resolution 1197, established January 4, 2005, as the date for a public hearing to consider the requested street vacation; and

WHEREAS, the City Clerk posted and published appropriate notices of the public hearing as required by RCW 35.79.020; and

WHEREAS, the hearing was held as scheduled on January 4, 2005, and all persons who wished to testify were provided an opportunity to do so, and

WHEREAS, the City Engineer and Director of Public Works have both recommended that the vacation request be granted, subject to certain terms and conditions; and

WHEREAS, after consideration of the testimony, the City Council determined that the vacation should be approved, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Vacation of Right-of-Way. The dedicated street right-of-way commonly known as a portion of the NE 91st Street right-of-way, in the City of Redmond, and more particularly described on Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full, is hereby vacated.

Section 2. Reservation of Easement. The City hereby reserves a permanent easement for itself for the construction, reconstruction, maintenance, operation, replacement and repair of public sidewalks over, in, upon, across, through and along the vacated area described in Exhibit A.

Section 3. Compensation. This vacation is undertaken with the understanding that the City will receive compensation in an amount of Fifteen Thousand Dollars (\$15,000.00), the full appraised value of the vacated area.

Section 4. Effective Date. This Ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take

effect five (5) days after passage and publication of an approved summary thereof consisting of the title. However, the vacation shall not be effective until such time as this Ordinance is recorded. The City Clerk is directed to record a certified copy of this Ordinance with the King County Recorder, thereby making the vacation effective, upon confirmation that compensation of \$15,000 has been received by the City.

CITY OF REDMOND

MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:

CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. _____

EXHIBIT A

RIGHT-OF-WAY VACATION LEGAL DESCRIPTION FOR PORTION OF NE 91ST STREET

THAT PORTION OF NE 91ST STREET AS DESCRIBED BY DEED RECORDED UNDER
RECORDING NO. 7803270808 DESCRIBED AS FOLLOWS:

THE NORTH 16 FEET OF THE SOUTH 30 FEET OF THE WEST 85 FEET OF THE NORTH HALF OF
THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST
QUARTER OF SECTION 1, TOWNSHIP 25 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN;

SITUATE IN THE CITY OF REDMOND, COUNTY OF KING AND STATE OF WASHINGTON.

**CONCEPT ENGINEERING, INC.**

455 Rainier Boulevard North
Issaquah, Washington 98027
(425) 392-8055 Fax: (425) 392-0108

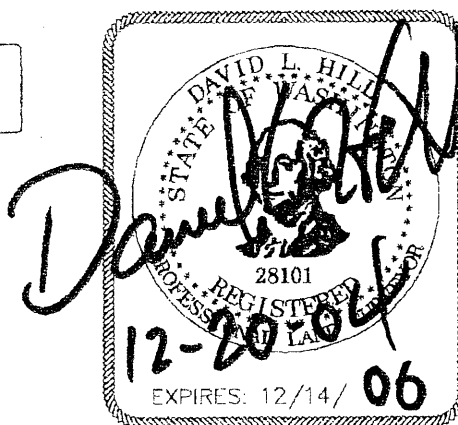
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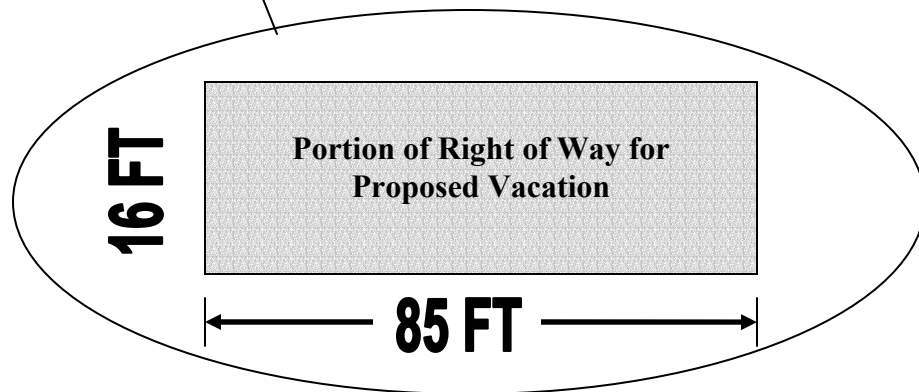
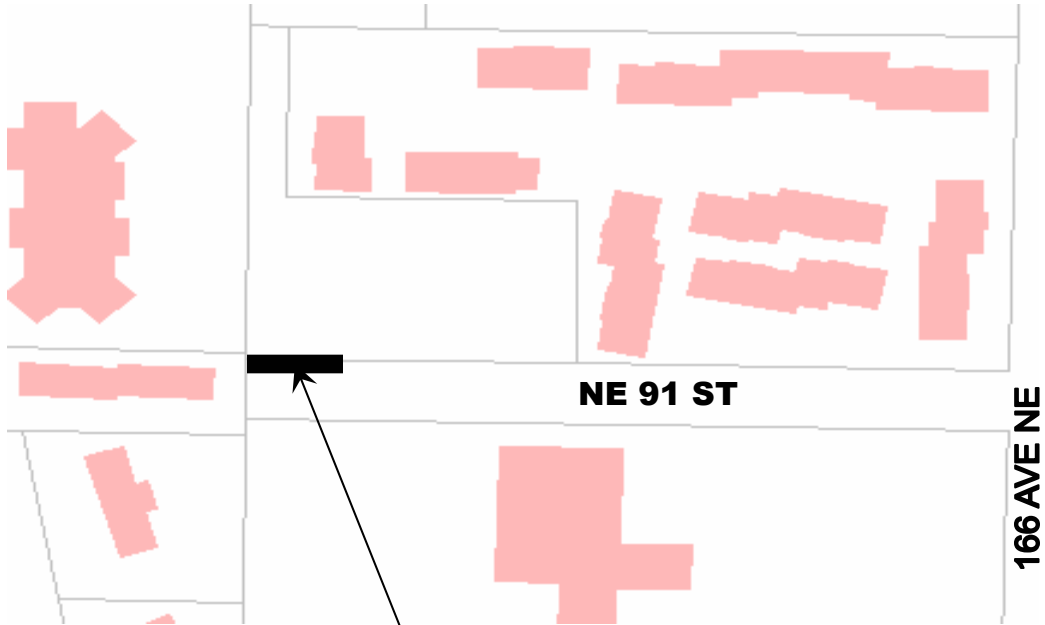
DATE: 12-17-04

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DATE: 12-17-04

REV: 12-20-04





Detail of Area Proposed for Vacation